

AMENDMENT NO. _____ Calendar No. _____

Purpose: To make a technical correction.

IN THE SENATE OF THE UNITED STATES—110th Cong., 1st Sess.

S. 2191

To direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by _____

Viz:

1 Strike title IV and insert the following:

2 **TITLE IV—**_____

3 **Subtitle A—Funds**

4 **SEC. 4101. ESTABLISHMENT.**

5 There are established in the Treasury of the United

6 States the following funds:

7 (1) The Energy Assistance Fund.

8 (2) The Climate Change Worker Training

9 Fund.

10 (3) The Adaptation Fund.

1 (4) The Climate Change and National Security
2 Fund.

3 (5) The Bureau of Land Management Emer-
4 gency Firefighting Fund.

5 (6) The Forest Service Emergency Firefighting
6 Fund.

7 **SEC. 4102. AMOUNTS IN FUNDS.**

8 Each Fund established by section 4101 shall consist
9 of such amounts as are appropriated to the respective
10 Fund under section 4103.

11 **SEC. 4103. TRANSFERS TO FUNDS.**

12 There are appropriated to each Fund established by
13 section 4101, out of funds of the Treasury not otherwise
14 appropriated, amounts equivalent to amounts deposited in
15 each respective Fund under section 4302(b).

16 **Subtitle B—Climate Change Credit**
17 **Corporation**

18 **SEC. 4201. ESTABLISHMENT.**

19 (a) IN GENERAL.—There is established, as a non-
20 profit corporation without stock, a corporation to be
21 known as the “Climate Change Credit Corporation”.

22 (b) TREATMENT.—The Corporation shall not be con-
23 sidered to be an agency or establishment of the Federal
24 Government.

1 **SEC. 4202. APPLICABLE LAWS.**

2 The Corporation shall be subject to this title and, to
3 the extent consistent with this title, the District of Colum-
4 bia Business Corporation Act (D.C. Code section 29–301
5 et seq.).

6 **SEC. 4203. BOARD OF DIRECTORS.**

7 (a) IN GENERAL.—The Corporation shall have a
8 board of directors composed of 5 individuals who are citi-
9 zens of the United States, of whom 1 shall be elected an-
10 nually by the board to serve as Chairperson.

11 (b) POLITICAL AFFILIATION.—Not more than 3
12 members of the board serving at any time may be affili-
13 ated with the same political party.

14 (c) APPOINTMENT AND TERM.—A member of the
15 board shall be appointed by the President, by and with
16 the advice and consent of the Senate, for a term of 5
17 years.

18 (d) QUORUM.—Three members of the board shall
19 constitute a quorum for a meeting of the board of direc-
20 tors.

21 **SEC. 4204. REVIEW AND AUDIT BY COMPTROLLER GEN-**
22 **ERAL.**

23 Not later than January 1, 2014, and not less fre-
24 quently than once every 3 years thereafter, the Comp-
25 troller General of the United States shall conduct a review
26 and audit of each expenditure made pursuant to this title

1 to determine the efficacy of the programs, expenditures,
2 and projects funded under this title.

3 **Subtitle C—Auctions**

4 **SEC. 4301. EARLY AUCTIONS.**

5 (a) INITIATION OF AUCTIONING.—Not later than 1
6 year after the date of enactment of this Act, the Corpora-
7 tion shall begin auctioning the emission allowances allo-
8 cated to the Corporation under section 3101.

9 (b) COMPLETION OF AUCTIONING.—Not later than
10 December 31, 2010, the Corporation shall complete auc-
11 tioning of all allowances allocated to the Corporation
12 under section 3101.

13 (c) PROCEEDS FROM EARLY AUCTIONING.—The
14 Corporation shall use to carry out programs established
15 under subtitle D all proceeds of early auctioning conducted
16 by the Corporation under this section.

17 **SEC. 4302. ANNUAL AUCTIONS.**

18 (a) IN GENERAL.—Not later than 330 days before
19 the beginning of a calendar year identified in the table
20 contained in section 3201, the Corporation shall auction
21 all of the allowances allocated to the Corporation for that
22 year by the Administrator under section 3201.

23 (b) PROCEEDS FROM ANNUAL AUCTIONING.—

24 (1) BUREAU OF LAND MANAGEMENT EMER-
25 GENCY FIREFIGHTING FUND.—For each of calendar

1 years 2012 through 2050, the Corporation shall de-
2 posit into the Bureau of Land Management Emer-
3 gency Firefighting Fund established by section
4 4101(5) proceeds, from annual auctions that the
5 Corporation conducts for the calendar year under
6 this section, that are sufficient to ensure that the
7 amount in the Fund equals \$300,000,000.

8 (2) FOREST SERVICE EMERGENCY FIRE-
9 FIGHTING FUND.—For each of calendar years 2012
10 through 2050, the Corporation shall deposit into the
11 Forest Service Emergency Firefighting Fund estab-
12 lished by section 4101(6) proceeds, from annual auc-
13 tions that the Corporation conducts for the calendar
14 year under this section, that are sufficient to ensure
15 that the amount in the Fund equals \$800,000,000.

16 (3) USE OF REMAINING PROCEEDS.—

17 (A) IN GENERAL.—Subject to subtitle H,
18 for each of calendar years 2012 through 2050,
19 the Corporation shall use the proceeds of the
20 annual auctions conducted by the Corporation
21 for the calendar year under this section in ac-
22 cordance with this paragraph.

23 (B) USE OF INITIAL 55 PERCENT.—

24 (i) ENERGY TECHNOLOGY DEPLOY-
25 MENT.—Subject to clause (ii), for each of

1 calendar years 2012 through 2050, the
2 Corporation shall use to carry out the pro-
3 grams established under subtitle D 55 per-
4 cent of the proceeds of the annual auctions
5 conducted by the Corporation for the cal-
6 endar year under this section.

7 (ii) ENERGY INDEPENDENCE ACCEL-
8 ERATION FUND.—In any of calendar years
9 2012 through 2050 during which there ex-
10 ists in the Treasury of the United States
11 an energy transformation acceleration fund
12 administered by the Director of the Ad-
13 vanced Research Projects Agency within
14 the Department of Energy, of the proceeds
15 of the annual auctions conducted by the
16 Corporation for the calendar year under
17 this section, the Corporation shall—

18 (I) deposit 5 percent of the pro-
19 ceeds into that fund; and

20 (II) use 50 percent of the pro-
21 ceeds to carry out the programs estab-
22 lished under subtitle D.

23 (C) USE OF REMAINING 45 PERCENT.—For
24 each of calendar years 2012 through 2050, the
25 Corporation shall deposit into the following

1 funds established by section 4101 the following
 2 percentages of the proceeds of the annual auc-
 3 tions conducted by the Corporation for the cal-
 4 endar year under this section:

Energy Assistance Fund	20
Climate Change Worker Training Fund	5
Adaptation Fund	20

5 **Subtitle D—Energy Technology**

6 **Deployment**

7 **SEC. 4401. GENERAL ALLOCATIONS.**

8 For each calendar year, the Corporation shall use the
 9 amounts described in section 4301(c) and clause (i) or
 10 (ii)(II) of section 4302(b)(3)(B), as applicable, to carry
 11 out the programs established under this subtitle, as fol-
 12 lows:

13 (1) Not more than 45 percent of the funds shall
 14 be used to carry out the zero- or low-carbon energy
 15 technologies program under section 4402.

16 (2) Not more than 35 percent of the funds shall
 17 be used as follows:

18 (A) Not more than 28 percent shall be
 19 used to carry out the advanced coal and seques-
 20 tration technologies program under section
 21 4403.

22 (B) Not more than 7 percent shall be used
 23 to carry out the cellulosic biomass ethanol tech-

1 nology deployment programs under section
2 4404.

3 (3) Not more than 20 percent shall be used to
4 carry out the advanced technology vehicles manufac-
5 turing incentive program under section 4405.

6 **SEC. 4402. ZERO- OR LOW-CARBON ENERGY TECHNOLOGIES**
7 **DEPLOYMENT.**

8 (a) DEFINITIONS.—In this section:

9 (1) ENERGY SAVINGS.—The term “energy sav-
10 ings” means megawatt-hours of electricity or million
11 British thermal units of natural gas saved by a
12 product, in comparison to projected energy consump-
13 tion under an energy-efficiency standard applicable
14 to the product.

15 (2) HIGH-EFFICIENCY CONSUMER PRODUCT.—
16 The term “high-efficiency consumer product” means
17 a covered product to which an energy conservation
18 standard applies under section 325 of the Energy
19 Policy and Conservation Act (42 U.S.C. 6295), if
20 the energy efficiency of the product exceeds the en-
21 ergy efficiency required under the standard.

22 (3) ZERO- OR LOW-CARBON GENERATION.—The
23 term “zero- or low-carbon generation” means gen-
24 eration of electricity by an electric generation unit
25 that—

1 (A) emits no carbon dioxide into the at-
2 mosphere, or is fossil-fuel fired and emits into
3 the atmosphere not more than 250 pounds of
4 carbon dioxide per megawatt-hour (after adjust-
5 ment for any carbon dioxide from the unit that
6 is geologically sequestered); and

7 (B) was placed into commercial service
8 after the date of enactment of this Act.

9 (b) FINANCIAL INCENTIVES PROGRAM.—During each
10 fiscal year beginning on or after October 1, 2008, the Cor-
11 poration shall competitively award financial incentives
12 under this subsection in the technology categories of—

13 (1) the production of electricity from new zero-
14 or low-carbon generation; and

15 (2) the manufacture of high-efficiency consumer
16 products.

17 (c) REQUIREMENTS.—

18 (1) IN GENERAL.—The Corporation shall make
19 awards under this section to producers of new zero-
20 or low-carbon generation and to manufacturers of
21 high-efficiency consumer products—

22 (A) in the case of producers of new zero-
23 or low-carbon generation, based on the bid of
24 each producer in terms of dollars per megawatt-
25 hour of electricity generated; and

1 (B) in the case of manufacturers of quali-
2 fying high-efficiency consumer products, based
3 on the bid of each manufacturer in terms of
4 dollars per megawatt-hour or million British
5 thermal units saved.

6 (2) ACCEPTANCE OF BIDS.—

7 (A) IN GENERAL.—In making awards
8 under this subsection, the Corporation shall—

9 (i) solicit bids for reverse auction from
10 appropriate producers and manufacturers,
11 as determined by the Corporation; and

12 (ii) award financial incentives to the
13 producers and manufacturers that submit
14 the lowest bids that meet the requirements
15 established by the Corporation.

16 (B) FACTORS FOR CONVERSION.—

17 (i) IN GENERAL.—For the purpose of
18 assessing bids under subparagraph (A), the
19 Corporation shall specify a factor for con-
20 verting megawatt-hours of electricity and
21 million British thermal units of natural
22 gas to common units.

23 (ii) REQUIREMENT.—The conversion
24 factor shall be based on the relative green-

1 house gas emission benefits of electricity
2 and natural gas conservation.

3 (d) FORMS OF AWARDS.—

4 (1) ZERO- AND LOW-CARBON GENERATORS.—

5 An award for zero- or low-carbon generation under
6 this subsection shall be in the form of a contract to
7 provide a production payment for each year during
8 the first 10 years of commercial service of the gen-
9 eration unit in an amount equal to the product ob-
10 tained by multiplying—

11 (A) the amount bid by the producer of the
12 zero- or low-carbon generation; and

13 (B) the megawatt-hours estimated to be
14 generated by the zero- or low-carbon generation
15 unit each year.

16 (2) HIGH-EFFICIENCY CONSUMER PRODUCTS.—

17 An award for a high-efficiency consumer product
18 under this subsection shall be in the form of a lump
19 sum payment in an amount equal to the product ob-
20 tained by multiplying—

21 (A) the amount bid by the manufacturer of
22 the high-efficiency consumer product; and

23 (B) the energy savings during the pro-
24 jected useful life of the high-efficiency consumer

1 product, not to exceed 10 years, as determined
2 by the Corporation.

3 **SEC. 4403. ADVANCED COAL AND SEQUESTRATION TECH-**
4 **NOLOGIES PROGRAM.**

5 (a) ADVANCED COAL TECHNOLOGIES.—

6 (1) DEFINITION OF ADVANCED COAL GENERA-
7 TION TECHNOLOGY.—In this subsection, the term
8 “advanced coal generation technology” means ad-
9 vanced a coal-fueled power plant technology that—

10 (A) achieves a minimum efficiency of 30
11 percent with respect to higher heating value of
12 the feedstock, after all parasitic requirements
13 for carbon dioxide capture and compression to
14 2,000 pounds per square inch absolute have
15 been subtracted;

16 (B) provides for the capture and geological
17 sequestration of at least 85 percent of carbon
18 dioxide produced at the facility, as determined
19 by the Corporation; and

20 (C) has an emission rate of not more than
21 250 pounds of carbon dioxide per megawatt-
22 hour of net electricity generation, after sub-
23 tracting the carbon dioxide that is captured and
24 sequestered.

1 (2) DEMONSTRATION PROJECTS.—The Cor-
2 poration shall use not less than $\frac{1}{4}$ of the amounts
3 made available to carry out this section for each fis-
4 cal year to support demonstration projects using ad-
5 vanced coal generation technology, including retrofit
6 technology that could be deployed on existing coal
7 generation facilities.

8 (3) DEPLOYMENT INCENTIVES.—

9 (A) IN GENERAL.—The Corporation shall
10 use not less than $\frac{1}{4}$ of the amounts made avail-
11 able to carry out this subsection for each fiscal
12 year to provide Federal financial incentives to
13 facilitate the deployment of not more than 20
14 gigawatts of advanced coal generation tech-
15 nologies.

16 (B) ADMINISTRATION.—In providing in-
17 centives under this paragraph, the Corporation
18 shall—

19 (i) provide appropriate incentives for
20 regulated investor-owned utilities, munic-
21 ipal utilities, electric cooperatives, and
22 independent power producers, as deter-
23 mined by the Secretary of Energy; and

24 (ii) ensure that a range of the domes-
25 tic coal types is employed in the facilities

1 that receive incentives under this para-
2 graph.

3 (C) FUNDING REQUIREMENTS.—

4 (i) SEQUESTRATION ACTIVITIES.—The
5 Corporation shall provide incentives only to
6 projects that will capture and sequester at
7 least 85 percent of the carbon dioxide pro-
8 duced by the project facilities.

9 (ii) STORAGE AGREEMENT RE-
10 QUIRED.—The Corporation shall require a
11 binding storage agreement for the carbon
12 dioxide captured in a project under this
13 subsection, in a geological storage project
14 permitted by the Administrator under reg-
15 ulations promulgated pursuant to section
16 1421(d) of the Safe Drinking Water Act
17 (42 U.S.C. 300h(d)).

18 (iii) PROJECTS USING CERTAIN
19 COALS.—In providing incentives under this
20 paragraph, the Corporation shall set aside
21 not less than 25 percent of any amounts
22 made available to carry out this subsection
23 for projects using coal with an energy con-
24 tent of not more than 10,000 British ther-
25 mal units per pound.

1 (4) DISTRIBUTION OF FUNDS.—A project that
2 receives an award under this subsection may elect 1
3 of the following Federal financial incentives:

4 (A) A loan guarantee.

5 (B) A cost-sharing grant to cover the in-
6 cremental cost of installing and operating car-
7 bon capture and storage equipment (for which
8 utilization costs may be covered for the first 10
9 years of operation).

10 (C) Production payments of not more than
11 1.5 cents per kilowatt-hour of electric output
12 during the first 10 years of commercial service
13 of the project.

14 (5) LIMITATION.—A project may not receive an
15 award under this subsection if the project receives
16 an award under section 4402.

17 (b) SEQUESTRATION.—

18 (1) IN GENERAL.—The Corporation shall use
19 not less than $\frac{1}{2}$ of the amounts made available to
20 carry out this subsection for each fiscal year for
21 large-scale geological carbon storage demonstration
22 projects that store carbon dioxide captured from fa-
23 cilities for the generation of electricity using coal
24 gasification or other advanced coal combustion proc-

1 esses, including facilities that receive assistance
2 under subsection (a).

3 (2) PROJECT CAPITAL AND OPERATING
4 COSTS.—The Corporation shall provide assistance
5 under this paragraph to reimburse the project owner
6 for a percentage of the incremental project capital
7 and operating costs of the project that are attrib-
8 utable to carbon capture and sequestration, as the
9 Secretary determines to be appropriate.

10 **SEC. 4404. FUEL FROM CELLULOSIC BIOMASS.**

11 (a) IN GENERAL.—The Corporation shall provide de-
12 ployment incentives under this section to encourage a vari-
13 ety of projects to produce transportation fuels from cel-
14 lulosic biomass, relying on different feedstocks in different
15 regions of the United States.

16 (b) PROJECT ELIGIBILITY.—Incentives under this
17 section shall be provided on a competitive basis to projects
18 that produce fuels that—

19 (1) meet United States fuel and emission speci-
20 fications;

21 (2) help diversify domestic transportation en-
22 ergy supplies; and

23 (3) improve or maintain air, water, soil, and
24 habitat quality, and protect scarce water supplies.

1 (c) INCENTIVES.—Incentives under this section may
2 consist of—

3 (1) loan guarantees for the construction of pro-
4 duction facilities and supporting infrastructure; or

5 (2) production payments through a reverse auc-
6 tion in accordance with subsection (d).

7 (d) REVERSE AUCTION.—

8 (1) IN GENERAL.—In providing incentives
9 under this section, the Corporation shall—

10 (A) prescribe rules under which producers
11 of fuel from cellulosic biomass may bid for pro-
12 duction payments under subsection (c)(2); and

13 (B) solicit bids from producers of different
14 classes of transportation fuel, as the Corpora-
15 tion determines to be appropriate.

16 (2) REQUIREMENT.—The rules under section
17 4402 shall require that incentives shall be provided
18 to the producers that submit the lowest bid (in
19 terms of cents per gallon gasoline equivalent) for
20 each class of transportation fuel from which the Cor-
21 poration solicits a bid.

22 **SEC. 4405. ADVANCED TECHNOLOGY VEHICLES MANUFAC-**
23 **TURING INCENTIVE PROGRAM.**

24 (a) DEFINITIONS.—In this section:

1 (1) ADVANCED TECHNOLOGY VEHICLE.—The
2 term “advanced technology vehicle” means an elec-
3 tric or plug-in hybrid electric vehicle, or an advanced
4 diesel light duty motor vehicle, that meets—

5 (A) the Tier II Bin 5 emission standard
6 established in rules prescribed by the Adminis-
7 trator under section 202(i) of the Clean Air Act
8 (42 U.S.C. 7521(i)), or a lower-numbered Bin
9 emission standard;

10 (B) any new emission standard for fine
11 particulate matter prescribed by the Adminis-
12 trator under that Act; and

13 (C) a standard of at least 35 miles per gal-
14 lon combined fuel economy, calculated on an en-
15 ergy-equivalent basis.

16 (2) COMBINED FUEL ECONOMY.—The term
17 “combined fuel economy” means—

18 (A) the combined city-highway miles per
19 gallon values, as reported in accordance with
20 section 32908 of title 49, United States Code;
21 and

22 (B) in the case of an electric drive vehicle
23 with the ability to recharge from an off-board
24 source, the reported mileage, as determined in
25 a manner consistent with the Society of Auto-

1 motive Engineers recommended practice for
2 that configuration, or a similar practice rec-
3 ommended by the Secretary of Energy, using a
4 petroleum equivalence factor for the off-board
5 electricity (as defined by the Secretary of En-
6 ergy).

7 (3) ENGINEERING INTEGRATION COSTS.—The
8 term “engineering integration costs” includes the
9 cost of engineering tasks relating to—

10 (A) incorporating qualifying components
11 into the design of advanced technology vehicles;
12 and

13 (B) designing new tooling and equipment
14 for production facilities that produce qualifying
15 components or advanced technology vehicles.

16 (4) QUALIFYING COMPONENT.—The term
17 “qualifying component” means a component that the
18 Secretary of Energy determines to be—

19 (A) specially designed for advanced tech-
20 nology vehicles; and

21 (B) installed for the purpose of meeting
22 the performance requirements of advanced tech-
23 nology vehicles as specified in subparagraphs
24 (A), (B), and (C) of paragraph (1).

1 (b) MANUFACTURER FACILITY CONVERSION

2 AWARDS.—The Corporation shall provide facility conver-
3 sion funding awards under this subsection to automobile
4 manufacturers and component suppliers to pay up to 30
5 percent of the cost of—

6 (1) reequipping or expanding an existing manu-
7 facturing facility to produce—

8 (A) qualifying advanced technology vehi-
9 cles; or

10 (B) qualifying components; and

11 (2) engineering integration of qualifying vehi-
12 cles and qualifying components.

13 (c) PERIOD OF AVAILABILITY.—An award under sub-
14 section (b) shall apply to—

15 (1) facilities and equipment placed in service
16 after the date of enactment of this Act and before
17 January 1, 2020; and

18 (2) engineering integration costs incurred after
19 the date of enactment of this Act.

20 **Subtitle E—Energy Consumers**

21 **SEC. 4501. PROPORTIONS OF FUNDING AVAILABILITY.**

22 All funds deposited into the Energy Assistance Fund
23 established by section 4101 shall be made available, with-
24 out further appropriation or fiscal year limitation, to the
25 following programs in the following proportions:

1 (1) 50 percent of the funds to the low-income
2 home energy assistance program established under
3 the Low Income Home Energy Assistance Act of
4 1981 (42 U.S.C. 8621 et seq.).

5 (2) 25 percent of the funds to the Weatheriza-
6 tion Assistance Program for Low-Income Persons
7 established under part A of title IV of the Energy
8 Conservation and Production Act (42 U.S.C. 6861
9 et seq.).

10 (3) 25 percent of the funds to the rural energy
11 assistance program described in section 4502.

12 **SEC. 4502. RURAL ENERGY ASSISTANCE PROGRAM.**

13 The Secretary of Energy shall carry out a program
14 to use the funds made available under section 4501(3) to
15 provide financial assistance to promote the availability of
16 reasonably-priced distributed electricity in off-grid rural
17 regions in which electricity prices exceed 150 percent of
18 the national average, as determined by the Secretary of
19 Energy.

20 **Subtitle F—Climate Change**
21 **Worker Training Program**

22 **SEC. 4601. FUNDING.**

23 All funds deposited into the Climate Change Worker
24 Training Fund established by section 4101 shall be made
25 available, without further appropriation or fiscal year limi-

1 tation, to carry out the programs established under this
2 subtitle.

3 **SEC. 4602. PURPOSES.**

4 The purposes of this subtitle are—

5 (1) to provide quality job training to any work-
6 ers displaced by this Act;

7 (2) to provide assistance in the form of tem-
8 porary wages and health care benefits to workers in
9 training;

10 (3) to transition workers into jobs created as a
11 result of this Act;

12 (4) to provide skilled workers to enterprises de-
13 veloping and marketing advanced technologies and
14 practices that reduce greenhouse gas emissions of
15 the United States; and

16 (5) to provide funding for State worker training
17 programs.

18 **SEC. 4603. ESTABLISHMENT.**

19 Not later than 180 days after the date of enactment
20 of this Act, the Secretary of Labor, in consultation with
21 the Administrator and the Secretary of Energy, shall es-
22 tablish a climate change worker training program that
23 achieves the purposes of this subtitle.

1 **SEC. 4604. GRANTS TO STATES.**

2 Not later than 1 year after the date of enactment
3 of this Act, the Secretary of Labor shall establish a pro-
4 gram to award grants to States, for use in funding State
5 worker training programs, based on the impact of this Act
6 on the workforce of each State, as determined by the Sec-
7 retary of Labor.

8 **SEC. 4605. TYPES OF ASSISTANCE.**

9 The types of assistance that workers may receive
10 under the climate change worker training program shall
11 include, as determined by the Secretary of Labor—

12 (1) income replacement;

13 (2) health care credits;

14 (3) travel costs incidental to participation in a
15 training program under this subtitle; and

16 (4) a portion of the cost of relocating to a new
17 job.

18 **Subtitle G—Adaptation Program**
19 **for Natural Resources in United**
20 **States and Territories**

21 **SEC. 4701. DEFINITIONS.**

22 In this subtitle:

23 (1) **ECOLOGICAL PROCESS.**—

24 (A) **IN GENERAL.**—The term “ecological
25 process” means a biological, chemical, or phys-

1 ical interaction between the biotic and abiotic
2 components of an ecosystem.

3 (B) INCLUSIONS.—The term “ecological
4 process” includes—

- 5 (i) nutrient cycling;
- 6 (ii) pollination;
- 7 (iii) predator-prey relationships;
- 8 (iv) soil formation;
- 9 (v) gene flow;
- 10 (vi) larval dispersal and settlement;
- 11 (vii) hydrological cycling;
- 12 (viii) decomposition; and
- 13 (ix) disturbance regimes, such as fire
14 and flooding.

15 (2) FISH AND WILDLIFE.—The term “fish and
16 wildlife” means—

17 (A) any species of wild fauna, including
18 fish and other aquatic species; and

19 (B) any fauna in a captive breeding pro-
20 gram the object of which is to reintroduce indi-
21 viduals of a depleted indigenous species into
22 previously occupied range.

23 (3) HABITAT.—The term “habitat” means the
24 physical, chemical, and biological properties that are
25 used by wildlife (including aquatic and terrestrial

1 plant communities) for growth, reproduction, and
2 survival, food, water, cover, and space, on a tract of
3 land, in a body of water, or in an area or region.

4 (4) INDIAN TRIBE.—The term “Indian tribe”
5 has the meaning given the term in section 4 of the
6 Indian Self-Determination and Education Assistance
7 Act (25 U.S.C. 450b).

8 (5) PLANT.—The term “plant” means any spe-
9 cies of wild flora.

10 (6) SECRETARY.—The term “Secretary” means
11 the Secretary of the Interior.

12 (7) STATE.—The term “State” means—

13 (A) a State;

14 (B) the District of Columbia;

15 (C) the Commonwealth of Puerto Rico;

16 and

17 (D) any other territory or possession of the
18 United States.

19 **SEC. 4702. ADAPTATION FUND.**

20 (a) IN GENERAL.—All amounts deposited in the Ad-
21 aptation Fund established by section 4101 shall be made
22 available, without further appropriation or fiscal year limi-
23 tation, to carry out activities (including research and edu-
24 cation activities) that assist fish and wildlife, fish and
25 wildlife habitat, plants, and associated ecological processes

1 in adapting to and surviving the impacts of climate change
2 (referred to in this subtitle as “adaptation activities”) pur-
3 suant to this subtitle.

4 (b) DEPARTMENT OF THE INTERIOR.—Of the
5 amounts made available to carry out this subtitle—

6 (1) 35 percent shall be allocated to the Sec-
7 retary, and subsequently made available to States
8 through the Wildlife Conservation and Restoration
9 Account established under section 3(a)(2) of the
10 Pittman-Robertson Wildlife Restoration Act (16
11 U.S.C. 669b(a)(2)), to carry out adaptation activi-
12 ties in accordance with comprehensive wildlife con-
13 servation strategies and, where appropriate, other
14 fish and wildlife conservation strategies, including—

15 (A) plans under the National Fish Habitat
16 Initiative of the National Fish and Wildlife
17 Foundation;

18 (B) North American Wetlands Conserva-
19 tion Act (16 U.S.C. 4401 et seq.);

20 (C) the Federal, State, and local partner-
21 ship known as “Partners in Flight”;

22 (D) coastal zone management plans;

23 (E) regional fishery management plans;

24 and

1 (F) recovery plans for threatened and en-
2 dangered species under section 6 of the Endan-
3 gered Species Act of 1973 (16 U.S.C. 1535);

4 (2) 18 percent shall be allocated to the Sec-
5 retary for use in funding adaptation activities car-
6 ried out—

7 (A) under endangered species, migratory
8 bird, and other fish and wildlife programs ad-
9 ministered by the United States Fish and Wild-
10 life Service;

11 (B) on wildlife refuges and other public
12 land under the jurisdiction of the United States
13 Fish and Wildlife Service, Bureau of Land
14 Management, or National Park Service; or

15 (C) within Federal water managed by the
16 Bureau of Reclamation; and

17 (3) 5 percent shall be allocated to the Secretary
18 for adaptation activities carried out under coopera-
19 tive grant programs, including—

20 (A) the Tribal Wildlife Grants program of
21 the United States Fish and Wildlife Service;

22 (B) the cooperative endangered species
23 conservation fund authorized under section 6(i)
24 of the Endangered Species Act of 1973 (16
25 U.S.C. 1535(i));

1 (C) programs under the North American
2 Wetlands Conservation Act (16 U.S.C. 4401 et
3 seq.);

4 (D) the multinational species conservation
5 fund established under the heading “MULTI-
6 NATIONAL SPECIES CONSERVATION FUND” of
7 title I of the Department of the Interior and
8 Related Agencies Appropriations Act, 1999 (16
9 U.S.C. 4246);

10 (E) the Neotropical Migratory Bird Con-
11 servation Fund established by section 9(a) of
12 the Neotropical Migratory Bird Conservation
13 Act (16 U.S.C. 6108(a));

14 (F) the Coastal Program of the United
15 States Fish and Wildlife Service; and

16 (G) the National Fish Habitat Action
17 Plan.

18 (c) LAND AND WATER CONSERVATION FUND.—

19 (1) IN GENERAL.—Except as provided in para-
20 graph (2), of the amounts made available for each
21 fiscal year to carry out this subtitle, 10 percent shall
22 be deposited into the Land and Water Conservation
23 Fund established under section 2 of the Land and
24 Water Conservation Fund Act of 1965 (16 U.S.C.
25 4601–5).

1 (2) EXCEPTION.—For any fiscal year in which
2 a deposit into the Land and Water Conservation
3 Fund under paragraph (1) would result in an
4 amount greater than \$900,000,000—

5 (A) \$900,000,000 of the amount shall be
6 deposited into the Land and Water Conserva-
7 tion Fund; and

8 (B) the remaining funds shall be distrib-
9 uted on a pro rata basis as otherwise provided
10 in this section.

11 (d) FOREST SERVICE.—Of the amounts made avail-
12 able for each fiscal year to carry out this subtitle, 5 per-
13 cent shall be allocated to the Secretary of Agriculture for
14 use in funding adaptation activities carried out on Na-
15 tional Forests and National Grasslands under the jurisdic-
16 tion of the Forest Service.

17 (e) ENVIRONMENTAL PROTECTION AGENCY.—Of the
18 amounts made available to carry out this subtitle, 11 per-
19 cent shall be allocated to the Administrator for use in re-
20 storing and protecting—

21 (1) large-scale freshwater aquatic ecosystems,
22 such as the Everglades, the Great Lakes, Flathead
23 Lake, the Missouri River, and the Yellowstone River;
24 and

1 (2) large-scale estuarine ecosystems, such as
2 Chesapeake Bay and Long Island Sound.

3 (f) CORPS OF ENGINEERS.—Of the amounts made
4 available to carry out this subtitle, 11 percent shall be allo-
5 cated to the Corps of Engineers for use in restoring—

6 (1) large-scale freshwater aquatic ecosystems,
7 such as the ecosystems described in subsection
8 (e)(1); and

9 (2) large-scale estuarine ecosystems, such as
10 Chesapeake Bay, California Bay Delta, Coastal Lou-
11 isiana, Long Island Sound, and Puget Sound.

12 (g) DEPARTMENT OF COMMERCE.—Of the amounts
13 made available to carry out this subtitle, 5 percent shall
14 be allocated to the Secretary of Commerce for use in fund-
15 ing adaptation activities carried out in protecting and re-
16 storing coastal, estuarine, coral, and other marine species
17 and habitats, including adaptation activities in cooperative
18 grant programs such as—

19 (1) the Coastal and Estuarine Land Conserva-
20 tion Program and the Community-Based Restoration
21 Program of the National Oceanic and Atmospheric
22 Administration; and

23 (2) programs under the Coastal Zone Manage-
24 ment Act of 1972 (16 U.S.C. 1451 et seq.).

1 (h) COST SHARING.—Notwithstanding any other pro-
2 vision of law, a State or Indian tribe that receives a grant
3 under this section shall be required to provide 10 percent
4 of the costs of each activity carried out using funds from
5 the grant.

6 (i) COMPREHENSIVE ADAPTATION STRATEGY.—

7 (1) IN GENERAL.—Effective beginning on the
8 date that is 18 months after the date of enactment
9 of this Act, funds made available to the Federal
10 agencies under this subtitle shall be used only for
11 activities that are consistent with a comprehensive
12 adaptation strategy that—

13 (A) is jointly approved by the head of each
14 of the Federal agencies, after—

15 (i) consultation with States and In-
16 dian tribes; and

17 (ii) solicitation of public and inde-
18 pendent scientific input; and

19 (B) describes the manner in which the
20 Federal Government will assist fish and wildlife,
21 fish and wildlife habitat, plants, and associated
22 ecological processes in adapting to and sur-
23 viving the impacts of climate change.

1 (2) UPDATING.—Each adaptation strategy de-
2 scribed in paragraph (1) shall be updated at least
3 every 5 years.

4 **Subtitle H—Climate Change and**
5 **National Security Program**

6 **SEC. 4801. INTERAGENCY CLIMATE CHANGE AND NA-**
7 **TIONAL SECURITY COUNCIL.**

8 (a) ESTABLISHMENT.—There is established a Cli-
9 mate Change and National Security Council (referred to
10 in this subtitle as the “Council”).

11 (b) MEMBERSHIP.—The Council shall include—

12 (1) the Secretary of State, who shall serve as
13 Chairperson of the Council;

14 (2) the Administrator;

15 (3) the Secretary of Defense; and

16 (4) the Director of National Intelligence.

17 (c) DUTIES.—The Council shall—

18 (1) submit annual reports to the President, the
19 Committees on Environment and Public Works and
20 Foreign Relations of the Senate, and the Commit-
21 tees on Energy and Commerce and Foreign Rela-
22 tions of the House of Representatives that de-
23 scribe—

1 (A) the extent to which other countries are
2 committing to reducing greenhouse gas emis-
3 sions through mandatory programs;

4 (B) the extent to which global climate
5 change, through the potential negative impacts
6 of climate change on sensitive populations and
7 natural resources in different regions of the
8 world, may threaten, cause, or exacerbate polit-
9 ical instability or international conflict in those
10 regions; and

11 (C) the ramifications of any potentially de-
12 stabilizing impacts climate change may have on
13 the national security of the United States, in-
14 cluding—

15 (i) the creation of refugees; and

16 (ii) international or intranational con-
17 flicts over water, food, land, or other re-
18 sources; and

19 (2) include in each annual report submitted
20 under paragraph (1) recommendations on whether it
21 is necessary to enhance the national security of the
22 United States by funding programs with amounts
23 made available under section 4802 that the Council
24 determines would assist in avoiding the politically

1 destabilizing impacts of climate change in volatile re-
2 gions of the world.

3 **SEC. 4802. FUNDING.**

4 Upon a determination for any calendar year by the
5 President, based on any report and recommendations sub-
6 mitted by the Council under section 4801, that funds
7 should be made available to carry out the recommenda-
8 tions—

9 (1) notwithstanding section 4302(b)(3), the
10 Corporation shall deposit 5 percent of the proceeds
11 from auctions that the Corporation conducts for that
12 calendar year under section 4302(a) into the Cli-
13 mate Change and National Security Fund estab-
14 lished by section 4101; and

15 (2) the President shall use those funds to im-
16 plement the recommendations.

17 **Subtitle I—Emergency Firefighting**
18 **Programs**

19 **SEC. 4901. FINDINGS.**

20 Congress finds that—

21 (1) since 1980, wildfires in the United States
22 have burned almost twice as many acres per year on
23 average than the average burned acreage during the
24 period beginning on January 1, 1920, and ending on
25 December 31, 1979;

1 (2) the wildfire season in the western United
2 States has increased by an average of 78 days dur-
3 ing the 30-year period preceding the date of enact-
4 ment of this Act;

5 (3) researchers predict that the area subject to
6 wildfire damage will increase during the 21st cen-
7 tury by up to 118 percent as a result of climate
8 change;

9 (4) of the annual budget of the Forest Service,
10 the Forest Service used for wildfire suppression ac-
11 tivities—

12 (A) 13 percent in 1991; and

13 (B) 45 percent in 2007; and

14 (5) 1 percent of the largest escaped fires—

15 (A) burn 95 percent of all burned acres;

16 and

17 (B) consume 85 percent of all wildfire
18 fighting costs.

19 **SEC. 4902. BUREAU OF LAND MANAGEMENT EMERGENCY**
20 **FIREFIGHTING PROGRAM.**

21 (a) USE OF FUNDS.—The amounts deposited into the
22 Bureau of Land Management Emergency Firefighting
23 Fund established by section 4101(5) shall be made avail-
24 able, without further appropriation or fiscal year limita-
25 tion, to pay for wildland fire suppression activities the

1 costs of which are in excess of amounts annually appro-
2 priated to the Secretary of the Interior for normal, non-
3 emergency wildland fire suppression activities.

4 (b) ACCOUNTING AND REPORTING.—

5 (1) IN GENERAL.—Not later than 3 years after
6 the date of enactment of this Act, the Secretary of
7 the Interior shall establish an accounting and report-
8 ing system, in accordance and compatible with Na-
9 tional Fire Plan reporting procedures, for the activi-
10 ties carried out under this section.

11 (2) REQUIREMENT.—The system established
12 under paragraph (1) shall require that the Secretary
13 of the Interior shall submit to the Committee on
14 Natural Resources of the House of Representatives
15 and the Committee on Energy and Natural Re-
16 sources of the Senate—

17 (A) a monthly report describing each ex-
18 penditure made from the Bureau of Land Man-
19 agement Emergency Firefighting Fund during
20 the preceding month; and

21 (B) a report at the end of each fiscal year
22 describing the expenditures made from the Bu-
23 reau of Land Management Emergency Fire-
24 fighting Fund during the preceding fiscal year.

1 **SEC. 4903. FOREST SERVICE EMERGENCY FIREFIGHTING**
2 **PROGRAM.**

3 (a) USE OF FUNDS.—The amounts deposited into the
4 Forest Service Emergency Firefighting Fund established
5 by section 4101(6) shall be made available, without fur-
6 ther appropriation or fiscal year limitation, to pay for
7 wildland fire suppression activities the costs of which are
8 in excess of amounts annually appropriated to the Sec-
9 retary of Agriculture for normal, nonemergency wildland
10 fire suppression activities.

11 (b) ACCOUNTING AND REPORTING.—

12 (1) IN GENERAL.—Not later than 3 years after
13 the date of enactment of this Act, the Secretary of
14 Agriculture shall establish an accounting and report-
15 ing system, in accordance and compatible with Na-
16 tional Fire Plan reporting procedures, for the activi-
17 ties carried out under this section.

18 (2) REQUIREMENT.—The system established
19 under paragraph (1) shall require that the Secretary
20 of Agriculture shall submit to the Committee on
21 Natural Resources of the House of Representatives
22 and the Committee on Energy and Natural Re-
23 sources of the Senate—

24 (A) a monthly report describing each ex-
25 penditure made from the Forest Service Emer-

1 agency Firefighting Fund during the preceding
2 month; and

3 (B) a report at the end of each fiscal year
4 describing the expenditures made from the For-
5 est Service Emergency Firefighting Fund dur-
6 ing the preceding fiscal year.